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10/701,058	11/04/2003	Holger Sedlak	I0046.0155	5559

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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOLGER SEDLAK, OLIVER KNIFFLER,
UWE WEDER, and SHUWEI GUO

Appeal 2011-007571
Application 10/701,058
Technology Center 2800

Before JOSEPH F. RUGGIERO, CARLA M. KRIVAK, and
THOMAS S. HAHN, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1, 3, 4, 6, 7, and 9. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' claimed invention is a frequency regulating circuit for ensuring maximum permissible current consumption is not exceeded. Independent claim 1 is reproduced below.

> 1. A frequency regulating circuit for the current-consumption-dependent clock supply of a circuit configuration, comprising:
>
> a current measuring device configured to measure an instantaneous current consumption of the circuit configuration;
>
> means for comparing the instantaneous current measured by said current measuring device with a definable threshold value;
>
> a controllable clock supply circuit having:
>
> an output to be connected to a clock input of the circuit configuration;
>
> a clock generator configured to generate a clock signal with clock pulses, said clock generator configured to generate a constant maximum internal frequency; and
>
> a pulse filter configured to filter clock pulses from said clock signal from said clock generator, said pulse filter including a control input, a filtered clock signal being provided to said output;
>
> a control device connected to said clock supply circuit and driving said clock supply circuit based upon the measured current consumption, said control device providing a control signal to said control input of said pulse filter when said means for comparing determine that the instantaneous current consumption exceeds the definable threshold value; and
>
> said pulse filter configured to suppress at least one clock pulse of said clock signal generated by said clock signal generator, in response to said control signal at said control input, such that said control

device adjusts said clock frequency instantaneously and non-incrementally to provide at said output, at any time, the maximum possible clock frequency corresponding to a maximum permissible current consumption of the circuit.

REFERENCES

The Examiner rejected claims 1, 3, 4, 6, 7, and 9 under 35 U.S.C. § 112, first paragraph as failing to meet the written description requirement.

The Examiner rejected claims 1, 3, 4, 6, 7, and 9 under 35 U.S.C. § 112, first paragraph as failing to meet the enablement requirement.

The Examiner rejected claims 1, 3, 4, 6, 7, and 9 under 35 U.S.C. § 112, second paragraph as being indefinite.

The Examiner rejected claims 1, 3, 4, 6, 7, and 9 under 35 U.S.C. § 103(a) based upon the teachings of Durham (US 5,761,517) and Wang (US 5,943,203).

ANALYSIS

Rejections under 35 U.S.C. §112

The Examiner's rejection of Appellants' Specification and claims is based on the term "non-incrementally" not being found in Appellants' Specification (Ans. 3-4).

Appellants assert that the frequency regulating circuit compares an instantaneous consumption with a threshold value and thus, the frequency regulating circuit adjusts the clock frequency immediately (i.e., instantaneously). Appellants further assert the Specification does not describe incremental reductions/increases in clock frequency. Therefore,

because the frequency is adjusted immediately, it cannot be adjusted incrementally. (App. Br. 3; Reply Br. 2) We do not agree.

Appellants' Specification does not disclose, directly or indirectly, the clock frequency must be adjusted instantaneously (or immediately) and non-incrementally. We agree with the Examiner that although the Specification does not mention incremental reduction or increase in clock frequency this does not mean the clock frequency *must* be adjusted non-incrementally. Additionally, we agree that suppressing/filtering a single clock pulse can be considered an incremental adjustment. (Ans. 7) Therefore, since Appellants Specification does not support the added claim language "instantaneously and non-incrementally," all the 35 U.S.C. §112 rejections, which were based on this language, are sustained.

Rejection under 35 U.S.C. §103

The Examiner's rejection of the claims as obvious over the combination of Durham and Wang is also sustained for the reasons provided by the Examiner (Ans. 7-8)

DECISION

The Examiner's decision rejecting claims 1, 3, 4, 6, 7, and 9 under 35 U.S.C. §§ 112 and 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv)(2010).

AFFIRMED

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